Contemporary Legal Rulings In Shi'i Law

In accordance with
the rulings (fatawa) of
Ayatullah al-'Uzma al-Sayyid
'Ali al-Husayni al-Seestani

بسم الله الرحمن الرحیم

Contemporary Legal Rulings In Shi'i Law

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point

In accordance with the rulings (fatawa) of Ayatullah al-'Uzma al-Sayyid 'Ali al-Husayni al-SeestaniIn accordance with the rulings (fatwa) of Ayatullah Seestani. Includes .rulings on new and contemporary issues such as organ donation, genetics and magic

Dedication

Please recite Suratu-l-Fatihah for

Marhum Haji Mohamed-Taki Shermohamed Nasser

uncle of

Haji Hussainali Abdullah

Those who have faith and do wholesome deeds - them We shall admit to gardens (jannat) beneath which rivers flow, therein dwelling forever and ever - Allah's promise ?in truth. And who is truer in speech than Allah

(Qur'an, ۴:۱۲۲)

Translator's Preface

Bismihi Ta'ala

The Qur'an and the corpus of hadith literature constitute a comprehensive legal resource that is invoked to regulate the various aspects of a Muslim believer's life. New situations and contingencies have prompted the experts in the field to delve into the sources and to devise methodological devices in usul al-fiqh to enable them to

deduce fresh juridical rulings (fatawa) in order to deal with novel problems and issues. Consequently, the door of independent research (ijtihad) -- deducing legal rulings in the area of human-divine ('ibadat) and human-human (mu'amalat) relationships -- has remained open in the Ja'fari/Shi'ah Ithna 'Ashari/Imami school of thought. This is not a peculiar feature of the Ja'fari school, and it is presently being argued in Islamic scholarship that, contrary to the commonly held opinion, the gate of ijtihad was not considered closed by Sunni jurists of the ۴th/۱۰th century.

This work contains the translation of a selection of new legal

rulings that are based on the opinion of the eminent jurist Ayatullah al-'Uzma al-Sayyid 'Ali al-Husayni al-Seestani, who resides in Najaf, Iraq, and is the point of reference, or marja', for a good part of the Shi'ah Ithna 'Ashari community of believers, who revert to him for guidance. Three of his works, Al-Fatawa al-Muyassarah (FM), al-Mustahdathat min al-Masa'il al-Shar'iyyah (MMS) and Minhaj al-Salihin, vol. ١ (MS) were used in compiling the list of questions/answers and organizing them under appropriate subjects. The source is clearly marked in regular brackets after the response to each question to facilitate easy reference to the original Arabic .text

The questions and answers in FM were formulated by the compiler in the form of a dialogue between a father and his son. Subsequently, they were sent by him to the office of Ayatullah Seestani in Najaf, Iraq for verification and approval. The legal responses in MMS are derived from the questions that were posed by laypersons to the jurist for his legal opinion. The third source, MS, was composed by Ayatullah .Seestani and takes the form of an enumeration of his rulings on various issues

Translating a work of this sort is a challenging enterprise and one is torn between remaining faithful to the original text and being idiomatic. I have opted for the former at the expense of smooth and flowing sentences, and as a result, the reader will find that some of the sentences are stilted and unidiomatic. Regular brackets have been inserted to clarify the

meaning of a sentence or to insert the Arabic term for the English equivalent. The square brackets are part of the original Arabic text. Also, a Glossary is appended at .the end of the booklet to aid those who are unfamiliar with the Arabic terms

I am deeply grateful to Syed Mohammad Ghassemi for the enormous help and assistance that he extended to me in translating this work. I also acknowledge my gratitude to Br. Khaleel Mohammed for reviewing the translation draft and offering pertinent suggestions for its revision. I extend my deep appreciation to Prof. Abdulaziz A. Sachedina who agreed to review this work and provide expert advise under short notice, in spite of his busy schedule and time constraints. Profound thanks to Prof. Ali al-Oraibi of University of Bahrain for meticulously comparing the Arabic text with the translation draft for accuracy and fluency. Amendments that they proposed have been incorporated to enhance the quality of this work. Every effort has been made to be as precise and accurate as possible. As for any inadvertent errors in the translation that may have slipped by, I alone am responsible. The logo that appears is designed .by Br. Azeem Ali Amir, and I extend to him my gratitude

I trust that this work will be useful to those who are not literate in Arabic and are confronted with the contemporary issues that are dealt with in this booklet. It is also hoped that the work will be of benefit to the academic community

.in obtaining a Muslim jurist's perspective on modern ethical questions and dilemmas

,wa bi-l-laahi-t-tawfiq

Hamid Mavani

Montreal

October ۱۹۹۶ / Jumada-l-Akhirah ۱۴۱۷

A- 'Ibadat

(Ritual Purity (taharah

point

Q۱: It often happens that I shake hands with someone while my hands are wet. I do not know whether the one with whom I shook hands is a Muslim or an unbeliever (kafir), who is not regarded as ritually pure (tahir). Is it obligatory for me to ask him in ?order to make sure

A: Certainly not. It is not obligatory for you to ask him. You may say "the hand with (which I touched his hand was ritually pure." (FM, pp. ۳۹۸-۹۹

Q۲: A university student, businessman, tourist or some such person travels to a non-Muslim country, say, Europe, such that scarcely a day passes without direct contact with its Christian and Jewish inhabitants, with the attendant moisture exchange in the cafe, or at the barber shop, doctor's office, dry cleaner's, etc. making it difficult to ?count (the places). What should he do

A: He should assume the ritual purity of their bodies as long as he does not know that (their ritual impurity (najasah) was acquired from an external source. (FM, p. ۳۹۹

Q۳: If I move into a place which was inhabited before me by people who are not ?judged to be ritually pure, is it correct for me to consider everything ritually pure

A: Yes, consider everything ritually pure if you do not know or are unsure of its ritual

(impurity. (FM, p. ۳۹۹

,Q۴: An electrically-operated washing machine can dry clothes

p: ۴

after the water supply is cut off from it, due to the power of spinning rather than ?(squeezing. Is that enough for their ritual purification (tathir

(A: Yes, that is enough for their ritual purification. (FM, p. ۳۹۸

Q۵: Some people throw newspapers, magazines and some respected books in the .(.garbage, although they contain some verses of the Qur'an or names of Allah (s.w.t

A: This is not permissible and it is obligatory to take them out of such places and to (purify them if they have come into contact with some ritual impurity. (FM, p. ۴۱۹

Q۶: Some types of soap which are imported from outside contain lard in their ingredients but at the end, only ۵٪ remains in them. In that case, is the ruling of transformation (istihalah) applicable (to it) and (is the soap) ruled to be ritually pure, or ?does it remain ritually impure

(A: It remains ritually impure. God knows best. (MMS, p. ۱۷, Q۱۷

Q۷: What is the ruling on blood that coagulates under the fingernail, this being the result of a blow or some other cause? This blood then moves gradually to the outside and it is not possible to remove it. Is this blood ritually impure or ritually pure? And ?how is it treated if it is considered ritually impure

A: If it does not change (into something other than blood), it is to be considered ritually impure, and it is obligatory to remove it if there is no difficulty in doing so. But if it ,presents a problem

then that which seems apparent is to substitute tayammum for wudu' and ghusl. God (knows best. (MMS, p. ۲۱, Q۳۳

Q۸: Some food items given to poultry are mixed with ۳۰٪ pig bones which helps the chicken gain weight at the rate of about ۲ kg in ۴۰ days. What is the ruling on this and is ?there any objection to it

A: This precludes neither the permissibility of consuming its meat nor its ritual purity, if it is slaughtered in the Islamic manner. But it is preferable to keep animals away from (these food items. God knows best. (MMS, p. ۲۷, Q۵۰

(Major Ablution (ghusl

Q۹: What is the ruling on someone who performs one of the obligatory ghusls and, after completing the ghusl or a few hours thereafter, he finds something that prevented the water from reaching a finger of his left hand or a toe of his left foot. Is he obligated to repeat the ghusl of the entire left part, or is it adequate to wash only ?that spot with the intention of ghusl

A: It is enough to wash that spot only and, based on obligatory precaution, he should combine it with wudu' if a hadath has taken place during that time. God knows best. ((MMS, p. ۱۹, Q۲۵

(Menstrual Bleeding (hayd

Q۱۰: A woman has regular periods and on the seventh day she is free of menstrual blood. But after relations with her husband, blood returns and continues until the tenth day and then stops. In this case, is there any sin or is expiation

?obligatory for her

A: There is no sin on her part and no expiation is needed in the hypothetical question. (God knows best. (MMS, p. ۲۰, Q۲۸

Q۱۱: If a woman with regular menstrual cycle notices, during ۲ or ۳ days of her cycle, intermittent blood which has none of the characteristics of hayd. Then, she sees blood with the characteristics of hayd for ۵ days -- which altogether makes ۷ (days). What is ?the ruling on her

A: The intermittent blood is not hayd because the minimum number of days for it to be hayd is ۳ days. However, what she sees in the ۵ days is considered hayd. (MMS, p. ۳۵, (Q۷۳

(Irregular Bleeding (istihadah

Q۱۲: Is a woman with light (qalilah) or moderate (mutawassitah) bleeding (istihadah) obligated to perform the wudu' between two prayers even if no blood is found ?between them (the prayers)? How about tawaf and its prayer

A: It is not obligatory, assuming that the blood has stopped and the cotton was not (stained by it. (MMS, p. ۲۱, Q۳۱

Q۱۳: Is a man permitted to have relations with his wife after her nifas period lasting ۱۰ days has ended, while being aware that blood continues, with the characteristic of ?istihadah, to flow from her for more than ۱۸ days

A: It is permissible, although it is preferable to take precautions from the ۱۰th until the (۱۸th day. (MMS, p. ۲۰, Q۲۹

(Bleeding after Childbirth (nifas

Q۱۴: Is nifas applicable only upon giving birth? Or is it deemed to occur simply because of a delivery, regardless of whether it

is full-term or not -- such as the miscarried foetus with a soul or without a soul, or the ?(miscarried mudgah (lump of flesh) or 'alaqah (blood-clot

A: The ruling of nifas between a full-term creation and others to which the term "birth" can be applied do not differ in their implementation. As for the blood that exits with the mudgah and 'alaqah, applying the ruling of nifas to them is problematic, (rather forbidden. (MMS, p. ۲۱, Q۳۰

Ritual Prayers and Fasts

point

Q۱۵: Is it permissible for a person to delay his prayers from their earliest time by participating in the commemoration ceremonies (majalis) of (Imam) Husayn ?established during the ten days of Muharram

A: It is permissible, but it is best to perform the prayers at their earliest time, and the organizers of the majalis ought to arrange them in such a way as to avoid conflict with (the performance of prayers at their earliest time. (MMS, pp. ۳۵-۳۶, Q۷۴

Q۱۶: Is it permissible for a person who wakes up a few minutes before the time of morning prayer to go back to sleep if he knows or considers it a strong possibility that ?he will not wake up again before sunrise

A: If this is considered a sign of contempt or trivialization with regard to prayers, then (it is not permissible. (FM, p. ۴۰۰

Q۱۷: A woman is performing prayer and she is unaware that some of her hair is outside of her head-cover. Is it obligatory for me to inform her of this during or after her

?prayer

A: Certainly not. It is not obligatory for you to inform her. Even if she does not become aware of it until her prayer is complete, her prayer will be valid. If she becomes aware of it during (the prayer) and hastens to cover it (her hair), again her prayer will be (valid. (FM, p. ۴۰۰

Q۱۸: What about another (woman) who offers prayer while the upper part of her feet .are exposed

A: This is permissible for her since it is allowed for the upper part of the feet and the (soles to be exposed in prayers. (FM, p. ۴۳۱

Q۱۹: What is the ruling on a person who used to pray and fast but committed several mistakes in the major ablution (ghusl). He is absolutely sure now that some of his previous ghusls were void, but he does not know how many. As a result he is not .aware of how many invalid prayers and fasts he offered with them

A: His fasts are valid even if his ghusl is invalid. However, it is obligatory for him to offer qada of all the prayers he offered with the invalid ghusl. If he is unsure about the (minimum and the maximum, he may limit himself to the minimum. (FM, p. ۳۹۹

Q۲۰: A person fasts in the month of Ramadan for several years and he does not know, due to ignorance, that the ghusl of janabah is obligatory, so he does not perform .ghusl

A: His fast is correct and no expiation (kaffarah) is obligatory

(for him. (FM, p. ۴۰۲

Q۲۱: Some allergy sufferers use an apparatus which we call an "inhalator" to assist them in easy breathing. After its placement in the mouth and pressing it, this apparatus emits what is like pressurized gas. Can this apparatus be used at the time ?of fasting

A: Yes. One who uses this (apparatus) remains on his fast and his fast is valid. (FM, p. (۴۰۲

Q۲۲: Food or serum in a plastic bag containing water, sugar and some medication is administered to a patient by injection directly into the blood -- due to sickness or some other reasons such as to provide nourishment. Is the fasting person obliged to ?avoid it

(A: It is not obligatory, although it is more appropriate (for him) to do so. (FM, p. ۴۰۳

Q۲۳: Is it permissible to offer meals to those who are not fasting -- that is, those with and without an excuse for not fasting in the month of Ramadan -- whether in restaurants or in homes, if this offering is not considered disrespectful to the sanctity ?of the noble month

A: It is permissible (to offer meals) to those who have an excuse (for not fasting) [but (not to the others]. (FM, pp. ۴۰۲-۳

Friday (jumu'ah) Prayer

Q۲۴: Does performing Friday (jumu'ah) prayer compensate for noon (zuhr) prayer or ?not? Is Friday prayer superior to the noon prayer

A: Performing Friday prayer in such a way that all appropriate conditions are fulfilled, according to the shari'ah, is superior to performing noon (prayer). If the mukallaf performs it

(Friday prayer) as such, then it (Friday prayer) replaces it (zuhr). (MMS, p. ١١, Q٥)

Q٢٥: Is one entitled to object to the holding of Friday prayer by claiming that the marjas of the Muslims in Najaf and Qum do not establish it, while knowing that in the city in which the mukallaf resides, most of the residents perform Friday prayer on the ?basis of their fiqh

A: One is not entitled to do that. As for non-holding of Friday (prayer) by the marjas, who are of the opinion that it (Friday prayer) is superior to zuhr (prayer) and the former replacing it (zuhr), may be due to personal excuses or the like. This does not (prevent others from establishing it (Friday prayer). God knows best. (MMS, p. ١٢, Q٦

Qiblah

Q٢٦: The views of the ulama differ regarding the (direction of the) qiblah from New York and similar places in North America. Can you explain in some detail how we are ?to face the qiblah from there

A: Facing the qiblah from distant places which have the curvature of the earth between them and the revered Ka'bah is determined by the parallel lines that commence from the front of the body of the person praying and the lines of curvature that arch around the surface of the earth in the direction of the revered Ka'bah, in such a manner that the lines end there (the Ka'bah), even if it is only by probability. The direction of the lines may be established on a globe

by connecting the position of the person praying to the revered Ka'bah by a thread -- ensuring that it remains on a direct course, rather than veering left or right. According to our tests, the direction of this thread from areas such as New York in North America is to the East, yielding to the North by the degree indicated by the .aforementioned thread

As for those who say that Mecca lies beneath the ۲۲nd parallel, New York falls above the ۴۰th parallel, and this requires that the person in New York must face the direction of the honored Ka'bah by bearing to the South rather than to the North, the answer to :this is as follows

This holds true if one uses a flat map as opposed to a global one. The change in the direction of the abovementioned thread on a global model is a result of the portions lying between the two points, if it is viewed in relation to the North and South poles. The support for this is that, if we neglect and do not take into consideration the four cardinal points on the globe, and we turned around a global map putting Mecca in the summit, as if it were the North Pole, we would observe that the direction of the abovementioned thread (in a situation for a person in New York) would be exactly the same as that obtained by the earlier mentioned thread. The person in New York who wants to face the direction

.of the revered Ka'bah must take this direction and not veer towards the right

In short, in our opinion, what is more likely in the method of facing the direction is as explained in the foregoing. It is clearly the better position also with regard to the necessity of observing the imaginary line that passes through the earth directly between the position of the person praying and the Ka'bah. Since it is not possible to face the direction of this (imaginary) line during prayer, it is necessary to follow the direction of the line of curvature parallel to it, and which goes over the surface of the earth. The parallel line just mentioned is the same as that which we already pointed out, whose direction from New York is towards northeast. Even so, however, the prayer of a person facing southeast would be valid if he is acting on a firm shar'i proof (in his possession to that effect. God knows best. (MMS, pp. ۹-۱۱, Q۱

Imported Leather

Q۲۷: A man is wearing a watch whose strap is made of natural leather imported from a non-Muslim country and he does not know whether the leather is from the skin of an animal slaughtered in the Islamic manner or not. The belt on his pants is made from the same kind of leather. Does he have to remove them when he intends to offer ?prayer

A: His prayer is valid with them as long as there is a strong probability that the strap or the belt

is from the skin of an animal whose flesh is edible and that was slaughtered in the (shar'i manner. (FM, pp. ٣٩٧-٩٨

Q٢٨: What about a wallet placed inside the pocket during prayer if it is made of the ?same leather as the strap previously mentioned

(A: One is permitted to offer prayer with it. (FM, p. ٣٩٨

Q٢٩: Suppose that he is confident that the strap or the belt is made from the skin of an animal that was not slaughtered in the Islamic manner but he prays with it due to forgetfulness and then remembers while praying, and immediately removes his .watch or belt

A: His prayer is valid unless his forgetfulness is due to carelessness and not giving due (importance to the matter [in which case he is obliged to repeat his prayer]. (FM, p. ٣٩٨

Prostration

Q٣٠: Sometimes I intend to pray and there are some white pieces of paper in my ?pocket. Is it permissible for me to perform prostration on them

A: Yes, it is permissible for you to prostrate on them if they are ritually pure and made out of wood-pulp or similar material on which prostration is permissible. The same (rule applies if they are made of cotton or linen. (FM, pp. ٣٩٩-۴٠٠

?Q٣١: . . . prostration on cement

(A: Likewise, it is permissible for you to prostrate on it. (FM, p. ۴٠٠

Q٣٢: I listen to a tape recorder, radio or television emitting the voice of a reciter of the ?Qur'an, reciting a verse which demands prostration. Should I prostrate

:A

Certainly not. You are not obliged to prostrate yourself except when you hear it (the (verse) from the reciter himself, not on his recorded tape. (FM, p. ۴۰۰

(Crescent (hilal

Q۳۳: If I attain personal confidence that the astronomical calculations on the birth of the crescent (hilal) announced by the experts are correct, can I, relying on my ?confidence, confirm the first of the month and fast, or for the Eid and break my fast

A: Confidence in the birth of the crescent and its visibility is of no consequence; rather, the actual sighting has to be confirmed by yourself or someone else. Yes, it is enough to confirm the actual sighting in another city if it shares the horizon of your city, such that a sighting in that city would necessitate a sighting in your city, if there were no (barriers such as clouds, dust, mountains, etc. (FM, p. ۴۰۳

(Traveller (musafir

Q۳۴: A student, worker or employee studies or works in an area situated at more than ۲۲ km from his city. He goes daily to his workplace and returns to his city, and there is a possibility that this will continue for a year or more. What is the ruling in this case ?(with respect to his prayers and fasts (siyam

(A: He should offer complete (tamm) prayers and observe the fasts. (FM, pp. ۴۰۰-۴۰۱

Q۳۵: What if he were to travel three or four times a week during the year, not because his job demands travelling, but for other purposes like sight-seeing and tourism or

for treating a patient, visiting the shrines of the Imams (a.s.), etc. What is the ruling on ?his prayers

A: He should perform complete prayers and observe the fasts, since, given his situation he is considered a frequent traveller according to convention ('urf). If he were to travel twice a week and stay five days in his hometown [then it is obligatory for him to offer both the short (qasr) and the complete (prayers); and, in the month of Ramadan, to combine observance of the fasts in it (Ramadan) and their qada after it]. ((FM, p. ۴۰۱

Q۳۶: A mukallaf offers morning prayer in his city and then travels in a westerly direction. He arrives in a city in which the dawn has not yet appeared and then emerges. Or, he offers noon prayer in his city and then travels by air, arriving in a city where the sun has not begun to go down (noon), and only later begins its descent. Or, he offers the evening prayer in it (city), then travels to a city where the sun has not yet set, and then sets. Is he obliged to repeat the prayer in all these hypothetical ?situations

A: There are two perspectives. It is a better precaution (to repeat the prayer), (although apparently it is not (obligatory to repeat it). (MS, p. ۴۶۴, Q۸۱

Q۳۷: What is the ruling for a person who travels after noon (zuhr) during the month of ?Ramadan while fasting

A: [He should complete his fast] and there is no

(qada on him. (FM, p. ۴۰۱

Q۳۸: And if he travels before noon, having intended to do so and decided on the trip ?the night before

A: [There is no fasting for him on this day]. He will break his fast after reaching the (hadd al-tarakhkhus and he is obligated to offer its qada after that. (FM, p. ۴۰۱

Q۳۹: What if he travels before noon but did not intend to travel and had not decided on ?it the night before

(A: The same ruling applies as in the previous case (Q۳۸). (FM, pp. ۴۰۱-۲

Q۴۰: A traveler in the month of Ramadan returns to his hometown or place of residence after noon. Is it obligatory for him to abstain (from things that render a fast ?void) in the remaining part of the day

A: It is not obligatory for him although it is more appropriate to abstain for the rest of (the day. (FM, p. ۴۰۲

?Q۴۱: What if he returns before noon and has broken (the fast) on his trip

(A: The ruling is as previously mentioned (Q۴۰). (FM, p. ۴۰۲

Q۴۲: What if he returns to his hometown or place of residence and arrives before noon ?without breaking the fast on his trip

A: It is obligatory for him to make the intention to fast and abstain from things that render a fast void for the remaining part of that day. In that case, there is no qada on (him. (FM, p. ۴۰۲

Q۴۳: What about one whose duty it is to fast while travelling. After dawn has

appeared in his city, he travels by air with the intention to fast. He arrives in another ?.city where the dawn has not yet emerged. Is he permitted to eat, drink, etc

(A: Apparently, it is permissible. (MS, p. ۴۶۶, Q۸۵

Q۴۴: What about one who travels from his city in the month of Ramadan after noon and arrives in a city where the sun has not begun its descent. Is it obligatory for him to ?abstain (from things that break the fast) and complete his fast

(A: That is a better precaution. (MS, p. ۴۶۶, Q۸۶

Q۴۵: If a fasting person in the month of Ramadan travels by air in a westerly direction after maghrib -- without breaking (iftar) his fast in his city -- and arrives at a place where the sun has not yet set, is it obligatory for him to abstain from things (that ?break the fast) until maghrib

(A: Apparently, it is not obligatory although it is a better precaution. (MS, p. ۴۶۴, Q۸۰

Q۴۶: What about one whose duty is to fast while travelling. If he travels from his city, in which the crescent of Ramadan has been seen, to a city where the crescent has not ?yet been seen because of a variation in their horizon

(A: He is not obligated to fast on that day. (MS, p. ۴۶۶, Q۸۷

Q۴۷: What if he observes the Eid in a city in which the crescent of Shawwal has been seen, and then travels to a city where the crescent has not been

?seen due to a variation in their horizon

A: It is a better precaution for him to abstain (from things that break the fast) for the (rest of the day and, also, to observe its qada. (MS, pp. ۴۶۶-۶۷, Q۸۷

Boundaries of a City

Q۴۸: There are extended cities with adjoining borders and sides which, in the past, were reckoned to be separate cities, but after prosperous growth, became one city. Do you regard them as one or several cities? A person travels from the farthest point in the East (of the city) with the intention of travelling to another place, and the time for prayer comes when he is at the farthest westerly point (of the city). He wishes to pray. Should he pray qasr or does he pray complete? And similarly, if he returns from a journey to the outskirts (of the city), and the time for prayer comes, does he pray qasr, or complete? What about the person who is fasting, and leaves (the city) or ?returns to it

A: The hypothetical cities all count as one. The rulings of separate cities does not actually apply to this case. True, the rule with respect to computing the distance is from the point at which the term "traveller" (musafir) becomes applied to someone. Were this city truly one of the larger cities and the term ("traveller") is applied upon the exit of a person from his zone or area of residence, even if it is deemed to be inside the city, then the ruling of

traveller" applies on him. And the distance would be computed from this point, which" is considered hadd al-tarakhkhus with respect to that person. If the term ("traveller") does not apply to him unless he leaves the (larger) city, then the last region of the city is to be counted as the beginning for distance measurement with respect to him. God (knows best. (MMS, p. ۳۲, Q۶۴

Exhumation of Grave

Q۴۹: Is it permissible to excavate the grave of the deceased if it does not entail ?disrespect for the deceased

A: It is not permissible except for special purposes that have been explained in the (books of fiqh, such as cases of dire necessity. (FM, p. ۴۲۰

Q۵۰: In a previous question (Q۲۶), we informed your eminence about the differences among the Muslims regarding the direction of the qiblah. What is the ruling on one who was buried facing a direction adopted at the time of burial and then (the direction) was changed after the burial, given that exhumation and identification of those buried in the previous direction or the new direction would entail great ?hardship

A: In response to the question, it is not obligatory to execute the change. (MMS, p. ۱۱, (Q۲

Khums

Q۵۱: A person buys a garment for an occasion. After wearing it, he puts it away and a year passes without it being worn a second time. Is khums obligatory on it? Likewise, (is khums obligatory) with respect to jewelry temporarily used and then set aside for ?more than a year without being used

A: If

the garment is of the type customarily prepared for similar occasions in the years that follow, then khums is not obligatory. Otherwise, based on obligatory precaution, khums applies to it. The same situation applies to jewelry. God knows best. (MMS, p. ۱۸, Q۲۲)

Q۵۲: Is khums obligatory for furnishings that the mother prepares for her daughter [like marital gifts] when a number of years elapse before they come into use?

A: Khums is not obligatory on them if not preparing [the marital gifts] gradually damages her prestige, because it would not be easy for her to prepare them at the time of her marriage. God knows best. (MMS, p. ۱۸, Q۲۳)

Q۵۳: If one year elapses on bank shares, is it obligatory to pay khums on them? If it is obligatory, then is it based on the actual value or purchase price?

A: It is obligatory to pay khums on the actual value. (MMS, p. ۳۴, Q۶۷)

Q۵۴: A person builds a house on land for which he has paid khums. During the construction of this house a year or more elapses. He has spent money for one or two years while building it (the house), knowing that he does not own any home besides this one. Is it obligatory for him to pay khums for this house? If it is obligatory, then is the khums calculation based on all the expenditures in building the house, is it based on the market value of the house or is it enough to negotiate with al-hakim al-shar'i?

A:

He should evaluate the house (excluding the land) and take out khums on its value except with regard to the money expended in the year in which he takes up residence (in it (home), for there is no khums on it. (MMS, p. ۳۴, Q۶۸

Q۵۵: A person builds a house by borrowing money, repaying the state bank in installments. He decides to settle (with al-hakim al-shar'i) on the khums of the house, knowing that this house is not part of his necessary (annual) provision (ma'unah). Is ?there any khums on these installments that he has paid to the bank

A: On the supposition of the question, khums will be applied on the house at the end of the year on the total present value (of the house) if he has paid all his loans; however, (if he has paid only part of it, then it is applied to that proportion. (MMS, pp. ۳۴-۳۵, Q۷۰

Charity

Q۵۶: Is it permissible to set aside charity money in a specific place, with the intention ?of charity, and then to give it to the poor? Can one change it with another currency

A: The money does not become a recommended charity by mere separation. (MMS, p. (۳۵, Q۷۲

Hajj

Q۵۷: A man who is financially able in a particular year is prevented from travelling because he could not obtain a visa to perform the hajj in that year. Then, he is forced to spend the money which was set aside for hajj, after the season, to fulfill his living .needs

.Thereafter, he is not able to obtain the money needed to perform the hajj

A: If he acquires the ability in later years, then hajj is obligatory for him, and if he does (not acquire the ability, then it is not obligatory for him. (FM, pp. ۴۰۳-۴

Q۵۸: What if I am able to perform hajj this year while I am a student at the University or high school and it happens that the time of travelling for hajj conflicts with my final exams such that the trip for hajj would lead to my failure and loss of a school year, .which causes me extreme material and emotional difficulty

A: As long as your travel for hajj causes you extreme difficulty as you said, it is (permissible for you to abandon the hajj for that year. (FM, p. ۴۰۴

?(Q۵۹: From which direction should one throw pebbles at jamratu-l-'aqabah (in Mina

A: Stone it from the front [because it is not permissible to stone it from the back]. (FM, (p. ۴۰۴

Q۶۰: What is the ruling on one who enters the state of ihram from Jeddah, instead of ?Johfah, because of ignorance

(A: If he made a nadhr for the ihram in Jeddah, then his ihram is valid. (FM, p. ۴۰۴

Q۶۱: Is one permitted after tawaf and sa'y, to cut the hair (taqsir) of someone else ?who has requested him to do so, before cutting his own

A: It is not permissible for one to attend to the taqsir of others before his own. (FM, p. (۴۰۴

B – Mu'amalat

(Interest (Riba .۱

point

Q۶۲: What is the ruling on depositing money in banks sponsored by Muslim and non-?Muslim governments, with the stipulated condition of receiving interest

A: Depositing in banks of non-Muslim countries is permissible in every case, even if it is under the stipulated condition of obtaining interest. As for depositing in government banks of Muslim countries under the stipulated condition of obtaining interest, then it is prohibited. But, if it is without this condition, then the issue is free of interest (riba) but it is not permissible to spend the acquired money without referring to al-hakim al-(shar'i or his representative. (FM, p. ۴۰۵

Q۶۳: Is there a difference here between the principal and interest which the banks (in ?Muslim countries) give to the depositor

A: No, there is no difference between them. One is not permitted to spend from anything taken from government banks in Muslim countries except by referring to al-(hakim al-shar'i or his representative. (FM, p. ۴۰۵

Q۶۴: If I know that the bank will give me interest even without stipulating the conditions, is it permissible for me to deposit in a savings account that takes the form ?of a term-deposit

A: Yes, it is permissible, as long as you do not stipulate the conditions of interest. (FM, (p. ۴۰۶

Q۶۵: Is it permissible to take interest from unbelievers, especially for those who live in ?their countries

A: Yes, apparently one is allowed to take interest from the unbelievers, whose (property is not honored. God knows best. (MMS, p. ۲۷, Q۴۹

Q۶۶: A national bank (in a

p: ۲۴

Muslim country) offers a project to its clients in which a person deposits a sum of money in the order of ۱,۰۰۰ dirhams as a deposit which can be withdrawn at any time. It announces that after a period of time, a lottery will be drawn and the bank will grant ?a specific gift to the investors. Is it permissible to deposit with this intention

A: Depositing with the condition of a gift is usury and therefore prohibited. By condition is meant to make the deposit with the requirement that the bank should give the gift. But the mere knowledge that the bank will grant it (gift) does not harm the permissibility of investing and the lawfulness of the granted gift. God knows best. ((MMS, p. ۳۶, Q۷۶

Q۶۷: A person does not own a house to reside in. Is it permissible for him to borrow ?from government banks with interest for the purpose of building his own house

A: It is not permissible to borrow with the condition of interest for any reason, but it is permissible to take the money from it (bank), though not with the intention of a loan, and to legitimize its spending by referring to al-hakim al-shar'i or his representative. ((FM, pp. ۴۰۶-۷

Credit Cards

:Q۶۸: Some banks distribute cards free of charge or for a defined price such that

It is possible to withdraw any amount from the bank without interest except for .۱ .service charges for the bank machine

If he (user) delays repayment by a month, then he .۲

.is charged interest under the title of "late payment" and similar items

?What is the ruling for this in the event where repayment is delayed or otherwise

A: There is no objection to withdrawing the amount with the intention of "unknown owner" (majhul al-malik), and not as a loan; it can be corrected by obtaining permission as mentioned in response No. ۶۹ (see next page). The person's knowing that the bank will demand repayment of the principal and interest does not impair this, and when the bank requests it (repayment), it should be made to it. (MMS, p. ۳۱, (Q۶۱

Q۶۹: Do you not give your followers (muqallids) a general authorization to dispose of and deal with "unknown owner's" property, and other transactions in it, by taking possession of the money from government or jointly-owned (private and government) banks without having to refer to al-hakim al-shar'i or his representative to rectify it, for the ease and facility for the believers? May Allah support and honor .you

A: Yes, we have allowed the believers -- may they succeed in attaining the Exalted Allah's pleasure -- to accept, through legal means from government or jointly-owned institutions, by taking possession of it (property) on behalf of those commissioned among the poor with the intention of performing acts of charity upon them (the poor). Then, they (the believers) can own it for themselves. This applies to salaries and the like. As for interest and the like, they are allowed to own half of it along the lines ,outlined

on the condition that they give in charity (sadaqah) the other half to the religiously-devout poor. (MMS, pp. ٣٢-٣٣, Q٦٥)

Buying and Selling Shares

Q٧٠: What about buying and selling the shares of incorporated companies or others?

A: It is permissible to buy and sell shares of any kind of corporation on the condition that the transactions of this company do not engage in prohibited activities such as dealing in intoxicants or interest (riba). (FM, p. ٤٠٨)

Insurance Policies

Q٧١: What about insurance policies for people on their life or for other unforeseen events or for properties such as airplanes, cars, ships, or for fire or drowning, etc?

A: All of them are valid and there is obligation on both parties. (FM, p. ٤٠٩)

Copyright

Q٧٢: If the phrase "rights of publication are reserved to the author or publisher" is written on some publications, is it obligatory to abide by the content of this phrase? And with the supposition that it is mandatory, is it permissible to print them (publications) if public welfare or religious betterment depends on it?

A: Abiding by it (the phrase) is not obligatory, but it is preferable to seek permission, especially from the author. God knows best. (MMS, p. ٢٨, Q٥٥)

Found Property

Q٧٣: Property that I find in public places like the street, market, airport, train station, harbor or taxi and whose owner I am sure there is no possibility of finding.

A: Give it to charity on his behalf. (FM, pp. ٤٢٠-٢١)

Q٧٤: What if a child finds a big sum of present-day currency?

A: If there is no particular description that

would make it possible to find its owner and return it to him, then the guardian of the child is permitted to take it and keep it for him. Otherwise, it is obligatory to find out (who (the owner) is as I mentioned to you in a previous dialogue. (FM, p. ۴۲۱

Working, Selling or Presence in Places that Sell Non-Ritually Slaughtered Meat, Alcoholic Beverages and Pork

Q۷۵: Is it permissible for a Muslim to cook that which was not slaughtered in the Islamic manner, knowing that he has no connection to selling or serving it? What is the ruling with respect to serving food that is ritually impure [not slaughtered in the Islamic manner] or conveying it to non-Muslims? Is there a difference in this between ?pork and other things

A: There is no objection to cooking that which is not slaughtered in the Islamic manner or serving it to those who regard it as lawful. However, it is problematic to sell it to them. But there is no objection to taking the money in return for the Muslim seller's relinquishment of his right over it (foodstuff). Alternatively, by rescuing (istinqadh) it (i.e. money from a non-Muslim). As for pork, it is problematic to serve to those who regard it as lawful and without a doubt disallowed for sale. God knows best. (MMS, pp. (۱۲-۱۳, Q۸

Q۷۶: Is it permissible for a Muslim to work in a restaurant that serves meat that is not ?slaughtered in the Islamic manner

A: Its permissibility is not unlikely in the case where it is being served to one who considers it

lawful. Rather, it is absolutely (permissible) as long as the status of the meat is made known to him, if there is a possibility of influencing him to avoid its consumption. If not, (it is not obligatory. (MMS, p. ۲۳, Q۳۶

Q۷۷: Is it permissible to work in a restaurant that serves pork and alcoholic beverages? If it is not permissible, does the ruling also apply to washing dishes and ?similar things there

A: Serving alcoholic beverages to others is prohibited even if the one to whom they are served considers them lawful. It is the same for washing dishes if they serve the purpose of drinking alcoholic beverages in them or serving them (the dishes) to the drinker. The permissibility of serving pork to someone who considers it lawful is not unlikely although selling it is without a doubt disallowed. And a Muslim hiring himself out for a forbidden task is rendered invalid and the taking of wages for this is prohibited. There is no objection to taking possession (of money) in return for work done as a means of rescuing it from someone whose wealth is not honored. (MMS, p. (۲۲, Q۳۴

Q۷۸: Is it permissible for a Muslim to work in shops that sell alcoholic beverages or in places of entertainment without serving alcoholic beverages or doing other forbidden ?things, such as cleaning dishes or arranging the chairs and similar activities

A: This is not permissible in shops that sell alcoholic beverages and, based on obligatory precaution, he should refrain also

(from places of entertainment. (MMS, pp. ۲۳-۲۴, Q۳۸

Q۷۹: Is it permissible for a Muslim to work in a grocery store that sells alcoholic ?beverages in one of its corners if his job is only that of a cashier

A: It is permissible to accept the value of (commodities) other than alcoholic beverages, and likewise the value of alcoholic beverages, if both the buyer and seller (are non-Muslims. (MMS, p. ۲۵, Q۴۴

Q۸۰: What is the ruling on the wages that a worker claims from these kinds of restaurants? Are they considered to be from property that is mixed with the unlawful, as it in fact is; or are they considered lawful for the worker since the wages are for ?lawful work

A: With regard to wages that a Muslim receives from non-Muslims in return for work that they (non-Muslims) consider lawful, the ruling is that they are lawful even if he has acquired them through unlawful transactions according to our shari'ah, so long as these (transactions) are lawful for them (non-Muslims), like selling alcoholic beverages and pork to non-Muslims. And these kinds of wages are not considered to (be mixed with the unlawful on which khums is obligatory. (MMS, p. ۲۳, Q۳۷

Q۸۱: Is it permissible for a Muslim to be present in gatherings where alcoholic ?beverages are served

A: Eating and drinking in these gatherings is prohibited. As for mere presence, its prohibition is based on obligatory precaution. There is no objection to it if the aim is to ,prevent others from reprehensible actions

(if one is able to do so. (MMS, p. ۲۵, Q۴۳

Q۸۲: Selling the meat of inedible animals like rabbit to those whose school of law (madhhab) permits its

.consumption

(A: It is permissible. (FM, p. ۴۱۲

Shopping

Q۸۳: Is it permissible for a person to buy from shops owned by Hindus if he knows that ?their owners help their community against the Muslims

A: It is not permissible if this contributes in their aggression against the Muslims. God (knows best. (MMS, p. ۱۸, Q۲۰

Imported Meat, Fish, Cheese and Gelatine

Q۸۴: Is it permissible to eat, buy and sell imported chickens from Muslim countries on ?"which is written the phrase "slaughtered in the Islamic manner

A: It is permissible for you to eat, buy and sell them as long as you do not know that they were not slaughtered (in the Islamic manner), whether the previously mentioned (phrase is written on them or not. (FM, p. ۴۱۳

Q۸۵: And if these (chickens) are imported from non-Muslim countries and written on ?"them is the phrase "slaughtered in the Islamic manner

A: It is not permissible for you to eat them if you are not confident that they have truly (been slaughtered in the Islamic manner and not just claimed to be. (FM, p. ۴۱۳

Q۸۶: The bodies of some types of fish are not fully covered with scales. Is it ?permissible to eat them

(A: Yes, it is permissible for you to eat them if they have but a single scale. (FM, p. ۴۱۴

Q۸۷: Is it permitted for us to eat canned fish imported from some European countries

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and America when we are not absolutely sure of its lawfulness from two perspectives? First, we are not sure of the presence of scales, although the name of the fish indicated on the can wrapping is from those that have scales. The exporting countries for these types of canned items follow the strict laws enforcing the agreement between the item description on the packaging and the actual contents of the can. Second, we do not know about the certainty of its (fish) having been captured outside the water alive or of its having died in the fishing net. However, it is known that such fish are caught by modern fishing vessels which allow the extraction of the .(fish from the water in a live state, and it is very rarely mixed with any dead (fish

A: If one can be confident as to its lawfulness -- even with the two observations above (-- then one is permitted to eat it; if not, it is not permissible. (FM, p. ۴۱۴

Q۸۸: What about imported cheese from non-Muslim countries, if I do not exactly know ?the way it was made and its ingredients

(A: It is permissible for you to eat it. (FM, pp. ۴۱۳-۱۴

Q۸۹: (In the case of) imported cheese from non-Muslim countries, if it is known to contain rennet (anfahah) from a calf or a young goat, or an animal enzyme, is it ?permissible to consume it

A: There is no objection if it contains the first two, and likewise for the third (animal

enzyme) if it is consumed; unless it is known that it was taken from one that was not slaughtered in the Islamic manner. God knows best. (MMS, p. ١٧, Q١٨)

Q٩٠: Gelatine substance is normally made from the bones of a cow. If it is taken from animals not slaughtered in the Islamic manner, with the knowledge that it is not permissible to eat it, is it ruled to be ritually pure for external usage?

A: Yes, because the bone is from the part in which life does not dwell; therefore, it is ritually pure, even if it were from a dead (animal). God knows best. (MMS, p. ٣۶, Q٧۵)

Meat from Muslim Markets

Q٩١: Here there are many restaurants in the Muslim markets that offer meat to their customers.

A: It is permissible for you to eat their meat. (FM, p. ۴١۴)

Q٩٢: . . . even without asking the owner of the restaurant about it?

A: Yes, it is permissible for you to eat it and there is no need to ask the owner of the restaurant about it, just as there is no need to ask about the religion of the employees in the restaurant. (FM, p. ۴١۴)

٢. Marriage And Divorce

point

Q٩٣: Civil divorce between a man and a woman is finalized according to Western laws, but the man refuses to grant shar'i divorce or provide maintenance to his wife, and refuses to accept shar'i mediation. What is the position of the wife knowing that her patience in this situation is absolutely a cause of hardship?

A: Her case should be taken

to al-hakim al-shar'i or his representative who would advise the husband to abide by one of the two options -- either he provide maintenance or implement the shar'i divorce -- even if it is through a representative other than himself. If he refuses both options and it is not possible to provide maintenance for her from his property, then (the hakim or his representative can divorce her. (MMS, p. ۲۶, Q۴۷

Q۹۴: Is it permissible to have a sexual relationship without a shar'i contract with women who are unbelievers from People of the Book, or without a religion, knowing that the government and state of their country are in a state of war with the Muslims, ?either directly or indirectly

(A: That is not permissible. (MMS, pp. ۲۶-۲۷, Q۴۸

Masturbation

Q۹۵: You mentioned in a previous dialogue that masturbation is forbidden. Are the ?male and female alike in this ruling

A: Yes. As it is forbidden for the man to titillate his genitalia until he ejaculates, so too it (is not permissible for the woman to titillate her genitalia to orgasm. (FM, p. ۴۳۱

Q۹۶: Certain illnesses require that the doctor may request the patient's semen for examination, and discharging it by the shar'i way is difficult because it must be .discharged in the presence of the doctor

(A: If the patient is in dire need to do so, then he is allowed. (FM, pp. ۴۳۱-۳۲

Q۹۷: If a person desires to test his ability to have children and the doctor asks him to discharge the semen to

.examine it

A: As long as he is not obliged to do that, it is not permissible for him to masturbate. ((FM, p. ۴۳۲

Q۹۸: A man cannot impregnate [sterile] and asks the doctor to determine the reason for his sterility through an examination of his sperm. The emission (of such semen) is obtained by the use of an instrument attached to his genitals and, by its movements, causes a discharge. Is this to be considered as masturbation and thus forbidden, or is it allowed for the purpose of the examination? And does it matter whether the patient ?is in difficulty or is acting out of necessity

A: Yes, it is considered as masturbation. It is not allowed unless the examination requires it. It is equally so for reliance upon that except under the previous two situations [difficulty and necessity], assuming, as does your question that some (definitive result can be determined from it. God knows best. (MMS, p. ۱۴, Q۱۱

Sexual Fantasy

Q۹۹: Thinking intentionally about women other than one's wife with an image in mind .of having sexual intercourse, if the penis becomes erect without discharge of semen

(A: It is not prohibited if it does not lead to a forbidden act. (FM, p. ۴۳۱

Looking at non-mahram Women

Q۱۰۰: These days women go out on public streets while some parts of their body that should be covered are exposed. Is it permissible to look at them without lust and ?sexual pleasure

A: Yes, this is permissible if they do not desist from exposing themselves if asked to do ,so. (FM

(p. ۴۳۰

Mixed Swimming Pools

Q۱۰۱: Is a Muslim permitted to go to mixed swimming pools [men and women] without a suspicious motive, especially when they (women) remove the dress of modesty from themselves and would not desist if asked to do so?

A: Although looking without a suspicious motive and lust at those who are scantily dressed and would not desist if asked to do so is permissible, presence in these places of moral depravity is absolutely not permissible based on precaution. (MMS, p. ۲۵, Q۴۵)

Statues, Portraits and Films

Q۱۰۲: Is it permissible to make a statue in the shape of a human being or an animal?

A: [No, it is not permissible]. (FM, p. ۴۱۰)

Q۱۰۳: What about drawing of human or animal portraits that are not three-dimensional?

A: It is permissible. (FM, p. ۴۱۰)

Q۱۰۴: What about buying and selling statues of human beings and animals, and displaying them for decoration?

A: It is permissible as well. (FM, p. ۴۱۰)

Q۱۰۵: Some students of the faculty of fine arts study sculpturing and similar things relating to corporeal objects of creation that possess souls. If they refuse to participate in making them, then they will be prevented from passing and graduating from the faculty. Is it permissible for them to do that?

A: Being denied success if they abandon it (i.e. refuse to participate in this activity) is not an appropriate justification for committing this act [which is forbidden by shari'ah]. (FM, p. ۴۳۴)

Q۱۰۶: Stuffing animals and placing them in the reception area or the living room for the purpose of decoration.

A: It is

p: ۳۶

(permissible (FM, p. ۴۱۲

Q۱۰۷: Is it permissible to hang portraits of the Prophet (S), and Imams (a.s.) in the ?house? Is it correct to believe that they are their (a.s.) pictures

A: It is permissible to hang them. But to believe that they (portraits) are in accordance (with them (a.s.) is certainly a wrong belief. (FM, p. ۴۱۸

Q۱۰۸: Some directors release historical films about the Prophet (S) or the Imams (a.s.). Is it permissible to represent the noble Prophet (S) before the people in his role as the Prophet (S), or to represent the Imam (a.s.) in his role as the Imam (a.s.)? If the answer is in the affirmative, is it necessary for the one representing them to be a ?(believer (mu'min

A: It is permissible to represent them (a.s.) provided that it does not impugn their noble station and sacred personalities -- be it in the future -- in the eyes of the people. It is quite likely that the attributes and characteristics of the one playing the role will (have some influence in this. (FM, pp. ۴۱۸-۱۹

Hijab

point

Q۱۰۹: Giving a film, to a non-mahram man for developing and printing, that contains .(pictures of women who observe hijab but are unveiled (in the photos

A: This is permissible if the one who will develop and print the pictures does not know the women pictured in the film, and such pictures are not suggestive or will not cause (any attraction. (FM, p. ۴۲۰

Q۱۱۰: Is she allowed to have a picture of herself taken

?without the hijab to place on a passport, for example

A: If she is forced to place the uncovered picture on her passport or other official documents, then it is permissible. But, the one who takes her picture must be her husband or her mahram. However, should the need arise, it is permissible for her to (have the picture taken by a non-mahram photographer. (FM, p. ۴۲۰

Q۱۱۱: How about a woman who comes out in public and the upper part of her feet are ?exposed to the sight of non-mahram

(A: This is not permissible for her. (FM, p. ۴۳۰

Q۱۱۲: Some husbands who are not religiously committed demand that their wives neglect prayers, remove the hijab, serve alcoholic beverages to guests, participate in gambling games, shake hands with guests, etc., forcing them (wives) to do it if they refuse. Is it permissible for the wife to leave his house in order to preserve her shar'i ?obligatory duties

A: Yes, it is permissible for the wife to leave his house at that time to the extent required by the circumstances, and in spite of that, she is entitled to full maintenance. ((FM, p. ۴۲۷

Q۱۱۳: A woman faithfully observes the hijab but her husband prevents her from this .and gives her a choice between abandoning the hijab and divorce

A: It is not permissible for her to abandon her hijab even if the matter ends in divorce. ((FM, pp. ۴۲۷-۲۸

Q۱۱۴: But divorce would entail for some of them (women) great difficulty, distress and .hardship

A: She should

endure the difficulty and hardship, and recollect His saying, the Exalted: "...and whoever is careful of (his duty to) Allah, He will make for him an outlet, and give him (sustenance from whence he thinks not..." (Qur'an, ۶۵:۲-۳). (FM, p. ۴۲۸

Beard

Q۱۱۵: Some men shave their beard and leave some hair on the chin alone. Is this ?sufficient by the shari'ah

(A: [It is not sufficient]. (FM, p. ۴۳۴

Cosmetics

Q۱۱۶: It is normal these days for a woman to put on mascara and make-up, wear rings, necklaces and bracelets for beauty and then go out in front of people in the .markets and streets

A: This is not permissible for her except for mascara and rings provided that she is safe from falling into forbidden activities and does not intend by it to excite non-(mahram men. (FM, p. ۴۳۰

Q۱۱۷: Is it permissible for a woman to go out of her house for some errands perfumed, ?with the fragrance of her perfume reaching non-mahram men

A: She ought not do that. It is not permissible if it tempts a non-mahram man or (normally causes him excitement. (FM, p. ۴۳۹

Miscellaneous Rulings Pertaining to Women

Q۱۱۸: Is it permissible for a woman to learn to drive a car with a non-mahram man, which necessitates being alone with him and going with him to places appropriate for ?practice, when these places are normally free from traffic

A: This is permissible for her provided that she is safe from falling into a forbidden (activity. (FM, pp. ۴۱۹-۲۰

Q۱۱۹: Is it permissible for a woman to look at

the parts of the body of another woman between the waist and knees with the ?exception of the anterior and the posterior

(A: Yes this is permissible for her if there is no physical excitement. (FM, p. ۴۲۸

Q۱۲۰: Embracing and kissing of women among themselves at airports, on public .streets, in parks and at markets

A: Embracing and kissing of women among themselves is permissible provided that it (does not lead to a forbidden act. (FM, p. ۴۳۰

Q۱۲۱: Does all fluid which issues forth from a woman during the state of passion or sexual arousal require performance of ghusl for her? Or are there distinguishing characteristics for it as some ulama have indicated? Does her ghusl exempt her from ?'performing wudu

A: It is obligatory for her to perform ghusl when the fluid is discharged in a state of passion without regard to other characteristics -- like languor -- and it exempts her (from wudu'. God knows best. (MMS, p. ۲۰, Q۲۷

Q۱۲۲: Is it permissible for a Muslim woman to display her hair in front of a non-Muslim ?woman

A: That is permissible, but it is discouraged (makruh) if it is highly probable that she (non-Muslim) will describe the beauty of the Muslim woman to her husband. (MMS, p. (۳۵, Q۷۱

Q۱۲۳: Following the death of a beloved, women wear black as a sign of grief and beat ?their faces, chests, etc. Is that permissible

(A: Yes, that is permissible. (FM, p. ۴۳۹

Rights Of Parents .۳

point

Q۱۲۴: What is the degree to which a child is obligated to obey the

?orders of his parents

A: Islam makes it incumbent on the child to deal with his parents with kindness ((husna). (FM, p. ۴۳۵

Q۱۲۵: Is it recommended (for a child) to obey his parents in everything, even in matters of daily life, as when the father says to his child "eat this fruit" or "sleep at ۱۰ ?o'clock" or similar things

(A: Yes, this is recommended for him (the child). (FM, p. ۴۳۵

Q۱۲۶: If the father prohibits his child from doing a certain thing that may bring harm to his child if he does it, knowing that in the opinion of his child this assessment is .incorrect

A: It is not permissible to oppose the father in such a situation because he will suffer from his opposition on account of his (the father) affection for him (the child). (FM, p. (۴۳۵

Q۱۲۷: If a father says to his child: "I know that there is no danger involved in your trip, my child, but your separation from me, your absence and the distance are really hard ".for me to bear and cause me suffering; it is for this reason that I forbid you to travel

Follow up: Before I respond, let me ask you this question. If the child obeys his father ?and does not travel, will the cancellation of such a trip hurt him in any way

Response: Absolutely not. The child will not suffer in any way, but he will be prevented .from fulfilling his wish

A: In this case then, it is not permissible for him

(to go on the trip, as long as such travel causes his father suffering. (FM, pp. ۴۳۵-۳۶

Q۱۲۸: Is it permissible for the parents to utilize the wealth of their child who has not ?(attained the age of puberty (non-baligh

A: It is permissible for the father if its utilization is not to the detriment of the child. As for the mother, she is not allowed to utilize his (her child) wealth without the permission of the father or paternal grandfather. If one of them permits her and it is not detrimental to the child, then it is permissible. But, if it brings harm to their child, then it is not permissible; rather, it is obligatory for them to protect his wealth until he (is grown up. (FM, p. ۴۱۷

Gifts for New-Born

Q۱۲۹: Some gifts are offered to the family on the occasion of the birth of a child, normally in the form of gold jewelry, food, or money. Are they for the new-born or his ?parents

A: The gifts differ in these cases. Some are indicated to be for the new-born, for example, gold jewelry appropriate for the baby. These are meant for him. Others are of benefit to someone other than the baby, for example, food and similar items, which are meant for the parents. It seems apparent that money placed under the pillow of the new-born or slipped into his clothes is considered of the first category and thus (belongs to the new-born himself. (FM, p. ۴۱۷

Disciplining Children

Q۱۳۰: Is it permissible to beat pupils

in school and is it obligatory to obtain the consent of the guardian of the pupil to be ?beaten

A: It is permissible to beat pupils if they bother others or are committing forbidden acts -- but with the permission of the guardian -- three strikes [no more]. The beating must be done in a gentle manner such that it does not cause redness on the body, (otherwise diyah will be obligatory. (FM, pp. ۴۳۳-۳۴

Organ Donation .۴

point

?Q۱۳۱: Is it permissible to donate the eye or kidney of a living human being for another

A: It is not permissible to donate the eye. As for donating a kidney, for one who has (another healthy one, it is permissible. (FM, p. ۴۱۵

Q۱۳۲: Some people stipulate in their will that some organs of their body may be removed after death for the purpose of transplantation in the body of another human being in need of them. Is this kind of will correct, and is it permissible to excise those ?parts (of the body) in such a case

A: [Certainly not. It is not correct and is not permissible] if the testator is a Muslim, except if the life of another Muslim depends on this, then it is permissible even if the donor has not made such a will. But [the diyah will be obligatory on the one who does the excision] except where it is done according to a will, in which case there is no diyah (on him. (FM, pp. ۴۱۵-۱۶

Post-Mortem Examination

,Q۱۳۳: Dissection of a corpse after death

if it is done for a reasonable purpose such as criminal investigation, teaching of .medicine or similar purposes

A: It is not permissible to dissect a Muslim corpse for these kinds of reasons. The dissecting of the body of an unbeliever whose blood is not protected during his lifetime is permissible, and likewise when the protection of his blood is doubtful, if (there is no shar'i sign of it being so (protected). (FM, p. ۴۱۶

Artificial Insemination

Q۱۳۴: Semen is taken from the husband and injected into his wife with a needle or by .other means

(A: It is permissible as such. (FM, p. ۴۳۲

?Q۱۳۵: Is it permissible to inject it (semen) into a woman who is not his wife

(A: No, it is not permissible. (FM, p. ۴۳۳

Q۱۳۶: The husband's sperm and the wife's egg are taken and fertilization is completed .in a test-tube, then the egg is returned to the wife's womb

(A: This is also permissible as such. (FM, p. ۴۳۳

Q۱۳۷a: The sperm of the husband and the egg of another woman who is not his wife .are taken for fertilization, then are transferred to the wife's womb

(A: This is also permissible as such. (FM, p. ۴۳۳

Q۱۳۷b: To whom is the child attributed in the latter case? To the provider of the egg or to the woman in whose womb it reached full-term. I mean, who would be his ?genealogical mother

A: There are two possible responses to this question, and it is necessary to exercise (precaution between both of them. (FM, p. ۴۳۳

Q۱۳۸: An

egg is taken from a woman and fertilized with the sperm of a man other than her .husband, then it is returned to her womb

(A: It is necessary to avoid that. (FM, p. ۴۳۳

Q۱۳۹: Sperm was taken from a man for the purpose of impregnating his wife. By coincidence, the husband died and after his death the sperm was implanted into the womb of his widow who bore a child. What is the ruling with respect to the status of ?the child and his entitlement to inheritance

A: The child is to be attributed to the donor of the sperm, but based on this hypothetical question, he does not inherit from him (the father). God knows best. ((MMS, p. ۱۵, Q۱۴

Abortion

Q۱۴۰: It is easy to abort the foetus in the early phase of pregnancy. Does the mother ?have a right to abort it

A: Certainly not, this is not permissible except if she is harmed by the presence of the foetus in her womb, or if its presence causes her difficulty to a degree that is not (normally tolerable. (FM, p. ۴۳۰

Q۱۴۱: In recent times, due to modern scientific instruments, it has become possible to know the situation of the foetus, whether it is suffering from any physical deformity or not. If the foetus is confirmed scientifically as being deformed and afflicted with ?maladies or a malady, is it permissible to abort it

A: Deformity of the foetus in itself is no justification for aborting it. Yes, if its presence in the mother's

womb is harmful to her health or causes her difficulty to an extent that cannot normally be tolerated, then it is permissible for her to abort it and that is before the soul enters it. After that, it is absolutely not permissible to abort. (FM, p. ۴۳۲)

Q۱۴۲: In some situations, the physicians can confirm that the foetus is afflicted with serious physical deformities which will not be treatable after birth, and it may not survive after birth, except for a short while in pain (for the child), causing toil for the parents. Then he will die. Is it permissible for the mother in such a situation to terminate (the pregnancy)? Does it make any difference if it occurs before or after the soul enters? And with the supposition that it is permissible, is diyah obligatory and who pays for it?

A: Abortion is not permissible in situations similar to the one mentioned, even prior to the entrance of the soul. (MMS, pp. ۳۰-۳۱, Q۶۰)

Contraception

Q۱۴۳: Use of contraceptives is popular these days. If use of the pill and similar things causes harm or difficulty and the only remaining choice is (the insertion) of some devices -- by a male or a female doctor -- which requires exposing the local area, is it permissible for the woman, knowing that pregnancy would cause her harm or difficulty?

A: It is permissible as long as she faces, in both the pregnancy and the use of alternative contraceptive methods, such hardship and danger that cannot be normally

endured. If this requires, in addition to exposing the genital organs, other parts of her body surrounding the genitalia, then she must refer to a female doctor. If this is not (possible then she may refer to a male practitioner. (FM, p. ۴۲۸

Q۱۴۴: Some women wish to avoid pregnancy, but their husbands want (them to get .(pregnant

?Follow up: How do they prevent the onset of pregnancy

.Response: By using pills, injections or the cleansing of the vagina after intercourse

A: All of these are permissible if they do not entail substantial harm to her. (FM, pp. (۴۲۸-۲۹

?Q۱۴۵: IUD

A: If the woman knows that it will lead to the destruction of the egg after its fertilization with the husband's sperm [then it is not permissible for her to use it]. (FM, (p. ۴۲۹

Q۱۴۶: Coitus interruptus ('azl), by which they prevent their husbands from depositing .the semen in the vagina during intercourse

(A: They do not have the right to do that. (FM, p. ۴۲۹

Q۱۴۷: Is it permissible for the husband to force his wife not to get pregnant even ?though she wants to

?Follow up: How does he force her to do that

.Response: He forces her to take pills, injections or use an IUD

(A: He has no right to do that. (FM, p. ۴۲۹

?Q۱۴۸: What about practising coitus interruptus during intercourse

(A: Yes he has the right to do that. (FM, p. ۴۲۹

?Q۱۴۹: Is he permitted to use a condom during intercourse

(A: Yes [but he must obtain her consent for that]. (FM, p. ۴۲۹

Q۱۵۰: Pills that

p: ۴۷

.women take in order to delay the onset of their monthly menstrual cycle

(A: They are permitted to use them. (FM, p. ۴۲۹

Q۱۵۱: There are pills that women take to delay the onset of their monthly cycle in the days of the month of Ramadan and the days of hajj, but sometimes intermittent blood comes out during their cycle, but it does not have the characteristics of a cycle. What is the ruling, if, knowing that if she stops taking the medication, after ۳ days, she will have menstrual blood, and with the medication no menstrual blood will come out ?except intermittently

A: Based on this hypothetical question, the ruling of hayd is not applicable to the (intermittent blood. God knows best. (MMS, p. ۱۹, Q۲۴

Vasectomy and Tubectomy

Q۱۵۲: Is it permissible for a man or a woman to undergo an operation, after they have had enough children, that would prevent them from ever having children again? If this is not permissible, would the ruling differ if they were living in an Islamic country that ?encourages birth control because of public welfare

A: It is not free from objection, although its permissibility is not unlikely if it does not entail substantial harm, such as removing certain organs like the ovaries of the (woman. God knows best. (MMS, pp. ۱۹-۲۰, Q۲۶

Genetical Analysis

Q۱۵۳: Lately, science has reached a stage of being able to determine the relationship of the father to his son through blood analysis where their genes match. If the husband suspects that his wife has had relations

with another man and as a result has gotten pregnant, and if the blood analysis leads to genes matching with that man, knowing that this analysis is never incorrect, is it obligatory to act upon the findings or should one follow the principle "the son belongs ?to the marital bed," or follow the result of this proof

A: "The son belongs to the marital bed" is a principle made for the one who is doubtful. Whoever arrives at a knowledge through blood analysis or otherwise, that goes contrary to this principle should act in accordance with his knowledge. Adultery by the wife is not confirmed by this and the penalty of adultery cannot be implemented except after establishing it through specific stipulated methods in the shari'ah. God (knows best. (MMS, pp. ۱۴-۱۵, Q۱۲

Q۱۵۴: Lately, science has reached a stage where it can identify a murderer by analysing the blood without seeking recourse to other means. It has reached a degree of precision that makes it possible to determine the instrument that was used to carry out the homicide. Is it possible to rely on this to judge a criminal and apply the penalty or not? Or does one have to act only on the well-known principles of the ?shari'ah

A: A murder is not proven and its ruling cannot be implemented except through the methods of the shari'ah or through clear scientific means unmingled with personal judgment. If what has been mentioned is conducted through this established way, then it is permissible

for al-hakim al-shar'i to give a ruling in accordance with it. God knows best. (MMS, p. ١٥, Q١٣)

Medication

Q١٥٥: Before taking medication, is it obligatory to investigate and confirm the correctness of its components to find out whether it contains any prohibited ingredients?

A: Certainly not, it is not obligatory to investigate and confirm. (FM, p. ٤١٥)

Q١٥٦: Many medications and disinfectants contain a small amount of alcohol. Is it permissible to use them, and are they ritually impure?

A: They are not ritually impure and it is permissible for you to use them. (FM, p. ٤١٥)

Q١٥٧: Some companies experiment with medication on a patient without informing him in order to see if the medication is effective and successful.

A: It is not permissible for them to do that. (FM, p. ٤١٦)

Buying and Selling Blood

Q١٥٨: Buying and selling blood for a remedy.

A: It is permissible. (FM, p. ٤١٢)

Medical Examination

Q١٥٩: In hospitals, female nurses feel the pulse, measure blood pressure, dress wounds, etc.

١. Is it obligatory for the male patient to disallow the female nurse from touching his body?

A: It is possible for him to request a male nurse for the aforementioned acts or to request the female nurse to wear gloves or place a barrier like a handkerchief to interpose without touching his body. (FM, p. ٤٢٦)

Sometimes out of necessity, a male patient requires direct touching and there is no .٢ male nurse or to request one is difficult, or the female nurse is gentler to the patient .than the male nurse

A: If necessity requires examination or treatment, and

p: ٥٠

they depend on direct touching, then this is permissible based on the question, but only to the extent necessary. (FM, p. ۴۲۶)

۳. If the wound is in a private area, requiring bandage, what can be done?

A: The patient must request that the nurse -- male or female -- use gloves or place a barrier to avoid touching the private area. If this is not easy, then touching is permissible to the extent necessary to apply the bandage. (FM, pp. ۴۲۶-۲۷)

Q۱۶۰: If we change the previous situations from touching to seeing, what is the ruling on seeing?

A: The ruling on seeing is identical to the ruling on touching and is applied as previously covered in detail. (FM, p. ۴۲۷)

Q۱۶۱: In the previous situations, if the patient is a woman and the nurse is a man, is the ruling similar to what has been mentioned?

A: Yes. (FM, p. ۴۲۷)

Medical Students

Q۱۶۲: Some students in the physical medical science study physiotherapy which requires touching the body of a female patient and handling her (body), to the extent required by the illness. Were the student to refuse to do that, he would fail the examination. Is it permissible to study this science and specialize in it?

A: This is permissible for the student if he knows or is confident that his specialization in this (field) is something upon which the preservation of some honored lives depends, even if it be in the future. His practice of physiotherapy should be in such a way that it does not

(lead to any sexual excitement. (FM, pp. ۴۲۵-۲۶

Q۱۶۳: In a medical college, it is necessary for the student to examine a non-mahram woman and man, and it might happen that he examines their genital organs or the anus. Is this kind of examination permissible for the student of medicine? Is it permissible for a graduate doctor to do this sort of examination if the preservation of some honored lives depends on it, even if it be in the future?

A: Yes, this is permissible for both the medical student and the doctor if the preservation of some honored lives depends on it, even if it be in the future. (FM, p. ۴۲۶)

Q۱۶۴: You have mentioned in your practical treatise (al-risalah al-'amaliyyah) something which can be summarized thus -- it is not permissible for a man to look at the private parts of a woman and vice-versa, even for treatment, except when unavoidable. Is it adequate to consider it a necessity for a person in a position of practice, e.g. a medical student?

A: It is inadequate unless removing a great harm from a Muslim depends on it (the practice), even if it be in the future. (MMS, pp. ۲۹-۳۰, Q۵۹a)

Smoking

Q۱۶۵: Many medical bulletins clearly state the harm of smoking, among them the fact that smoking is the primary cause of heart disease, disease of the blood vessels and arteries, high blood pressure, lung cancer and ulcers, in addition to the harm brought on the family and to society.

Is it permissible for a

?non-smoker to begin smoking

?Is it permissible for a tobacco addict to continue

Is it permissible for a pregnant woman to smoke while the doctors say that the foetus ?is affected by the smoking of its mother

A: If smoking causes substantial harm to a male or female smoker or to the foetus, then it is prohibited, whether he/she is a beginner or is addicted, assuming that he/she would not suffer substantial harm by quitting. As for the one who would suffer harm by quitting, he/she should consider which one is less harmful: to continue smoking or (to quit, and act accordingly. (FM, pp. ۴۱۶-۱۷

Music .۵

point

Q۱۶۶: What is the limit separating lawful from unlawful music? If the criterion is its being labeled "entertainment or amusement," then this is not clear according to .convention because there are differences of opinion on that

A: The separating limit is its being of suitable quality for the gatherings of amusement (and of immorality. (MMS, p. ۲۸, Q۵۳

Q۱۶۷: Also, regarding musical tunes, what is the criterion for their prohibition? Is the criterion their actual use in songs by people of immorality or is it enough for them to be suitable for such purposes? Is there any difference in situation if they are used ?.during the commemoration of (Imam) Husayn or Islamic songs, for example, etc

A: The rule also is their being suitable for gatherings (of amusement and of immorality) and their prohibition is absolutely not lifted by using them during the ,commemoration or otherwise, based on precaution. (MMS, p. ۲۸

p: ۵۳

(Q۵۴

?Q۱۶۸: What is the ruling on so-called music in present customary usage

A: It is of two kinds. One of them suits the places of amusement and entertainment and thus listening to it is prohibited. The other one is other than this and therefore is (not prohibited. (FM, p. ۴۳۷

Q۱۶۹: Some types of music are broadcast before the recitation of the noble Qur'an or the adhan, before the religious program begins or during. Is it permissible to listen to ?it

(A: The great majority of them are of the second type and thus are lawful. (FM, p. ۴۳۷

.Q۱۷۰: Musical interludes and music that precedes announcement of the news

(A: The same applies. (same answer as Q۱۶۹) (FM, p. ۴۳۸

Q۱۷۱: Some types of watches, in addition to specifying the time, have musical pieces for the pleasure of the owner whenever he wishes (to hear them). Is it permissible to ?buy and sell them (watches), or even to listen to their music

(A: It is permissible. (FM, p. ۴۳۸

?Q۱۷۲: Is it permissible to listen to religious songs

Follow up: You mean religious phrases that are composed with musical tunes that are ?common amongst the people of amusement and entertainment

.Response: Yes

A: It is prohibited to listen to them. The same ruling applies to all phrases that are not for pleasure and amusement -- such as supplication or dhikr -- but composed with (these musical tunes. (FM, p. ۴۳۷

Q۱۷۳: Classical music is believed to soothe excited nerves, and is also prescribed at .times for treatment of some psychological ailments

?Is it permissible for me to listen to it

A: Yes, it is permissible to listen to music which is not suited for the gatherings of (amusement and entertainment. (FM, p. ۴۳۸

Q۱۷۴: Music with pictures that is associated with television films, popular serial programs, the aim of which is to raise the degree of excitement of the viewers in accordance with the atmosphere of the film. For example, if the exhibited scene is .frightening, then this music helps in prompting fear and its effect on the viewers

(A: The great majority of them are of the lawful type. (FM, p. ۴۳۸

.Q۱۷۵: . . . emotional and national poetry that are at times accompanied by music

(A: The same criterion as was previously mentioned (in Q۱۶۸). (FM, p. ۴۳۸

Q۱۷۶: The buying and selling of flutes, musical recordings and the like, from among the instruments of pleasure and amusement, is prohibited. However, there are ?instruments made for children's amusement. Is it permissible to buy and sell them

A: It is permissible as long as they are not classified among the instruments of (forbidden pleasure and amusement. (FM, p. ۴۱۱

Q۱۷۷: Is it permissible for a Muslim to send his son to one of the musical institutes to study music as a profession under the condition that he will not use his profession for ?forbidden things

A: There is no objection to studying lawful music in itself, but in sending children to musical institutes one should ensure that it does not negatively affect them in their religious upbringing. God

(knows best. (MMS, p. ١٧, Q١٩

Dancing

Q١٧٨: Is it permissible for a wife to dance for her husband in order to provide him ?happiness and to excite him

(A: This is permissible for her. (FM, p. ۴٣۶

?Q١٧٩: . . . her dancing in front of others

A: It is not permissible for her to dance in front of any other but her husband amongst the men [rather, it is not permissible for her to dance in front of women as well]. (FM, (p. ۴٣۶

?Q١٨٠: . . . a man dancing in front of men or women other than his wife

(A: Likewise, it is not permissible. (FM, p. ۴٣٧

Q١٨١: Some schools in western countries force the male and the female students to study the art of dancing. This dancing is not linked with the popular music and is not for amusement, but is part of the curriculum. Is it prohibited for the parents to grant ?permission to attend these lessons

A: Yes, if it contradicts religious training, rather absolutely, based on precaution, with the supposition that the student has attained the age of puberty (bulugh). This holds except where he has a shar'i justification for studying it in the case where he is following (taqlid) the one whose ruling is that it is permissible. In that case, there is no (obstacle to permit him to do this. (MMS, pp. ٢۵-٢۶, Q۴۶

Clapping

.Q١٨٢: At a wedding and other joyous occasions, men and women clap

A: It is permissible for them, provided that it does not include other forbidden

(things. (FM, p. ۴۳۷

Lottery .۶

point

Q۱۸۳: [Lottery] is a well-known game in America and is the closest thing to [yanasib], if it is not exactly the same. Is it permissible for a Muslim to engage in the sale of lotteries with special machines with the justification that it is rescuing (istinqadh) ?wealth from the hands of the unbelievers

A: If he is authorized by an established company to offer and distribute them (lottery tickets) among non-Muslims, then it is permitted and he should seize the wealth with the justification of rescuing (istinqadh) it and not with the intent of selling (the lottery tickets). Alternatively, the Muslim seller takes it (money) in return for his relinquishment of his right (over the lottery tickets), if he had any special right over (them. (MMS, p. ۱۲, Q۷

Chess, Backgammon, Wrestling and Boxing

Q۱۸۴: What is the general rule for an instrument to be prohibited and to be considered an instrument of gambling. Is it making and adopting it (the instrument) for gambling or is it its conventional usage? Is there a difference between its being a convention for ?a particular society or its being so universally

A: The general rule is that it is made for gambling and used for it, such that the term "gambling instrument" can be applied to it. It is enough if it is regarded as an (instrument (for gambling) in one particular society. (MMS, pp. ۲۷-۲۸, Q۵۲

?Q۱۸۵: (Is it permissible) to play chess and backgammon without placing a bet

.A: It is not permissible to play them. (FM, p

(۴۳۶

Q۱۸۶: What is the ruling on playing chess by using the customary pieces? Is the ruling any different in the case where the game is played by computer which employs ?symbols and shapes instead of the customary pieces

A: Playing it (chess) is absolutely forbidden even without placing a bet. And there is no difference in this, whether it is (played) with customary pieces or by computer. (MMS, (p. ۲۷, Q۵۱

Q۱۸۷: Some people play with gambling instruments other than chess and .backgammon for enjoyment and without placing a bet

A: [It is prohibited to play with all that is considered a gambling instrument even (without placing a bet]. (FM, p. ۴۳۶

Q۱۸۸: Some electronic games that appear on TV with an apparatus called "Atari" and .are played with buttons for enjoyment, without placing a bet

A: If the pictures that appear on the screen are pictures of the instruments of gambling, then it is not permissible to play with them using the "Atari" apparatus, (otherwise, it is permissible. (FM, p. ۴۳۶

?Q۱۸۹: Wrestling and boxing matches without placing a bet

(A: They are permissible if they do not lead to substantial bodily harm. (FM, p. ۴۳۴

Magic .۷

point

Q۱۹۰: Is it permissible to use white magic which is employed for good and is the ?opposite of black magic which is used by evil persons

A: Magic in all its shapes and forms is forbidden [even that which is used to undo magic] unless the matter rests upon a greater benefit such as saving the life of a ,respected person. (FM

(pp. ۴۱۷-۱۸

Inviting Souls

Q۱۹۱: Inviting the souls in order to ask them about their state and the barzakh and .other matters pertaining to the hereafter

A: It is prohibited to invite a respected soul whose summoning would cause him harm. (Other than these (respected souls), it is permissible. (FM, p. ۴۱۸

Exploiting the Angels

.Q۱۹۲: Some of them claim that they exploit the angels

(A: There is no basis to this claim. (FM, p. ۴۱۸

Asking for Intercession

Q۱۹۳: Is it permissible to ask for sustenance, a child, protection or intercession directly ?from the infallible ones

Follow up: Let me ask you first. Do you seek this from them because they create, or ?sustain, or protect

Response: Certainly not. But rather because they are the means to Allah (s.w.t.), the intercessors with Him in the disposal of affairs, and because they cannot do anything .but with the permission of Allah, the Sublime and Exalted

Follow up: You mean that they ask Allah the Exalted and He creates, and they ask Him and He sustains, and they ask Him and He protects, and because they are intercessors, whose pleas or supplications are not rejected, because of their status ?with Allah, the Sublime, and for their guardianship over us

.Response: Yes, I mean that

A: This is permissible. Allah (s.w.t.) says: "...and seek means of nearness to Him..." (Qur'an, ۵:۳۵) and they (a.s.) are your means of approach to Allah (s.w.t.). This is

(permissible. (FM, p. ۴۲۱

(.Slandering Allah (S.W.T.), Prophet (S) Or Imams (A.S .۸

point

Q۱۹۴: During verbal disputes, some people unfortunately employ words in a non-serious manner that imply disbelief in Allah (s.w.t.) or articulate that which

p: ۵۹

is inappropriate for the infallible ones (a.s.). Is it obligatory to impose a penalty (hadd) ?on them for that

A: As long as they are not serious and do not mean what they are saying, there is no (shar'i penalty on them but they are deserving of ta'zir. (FM, p. ۴۱۹

Q۱۹۵: If they are serious and intend to slander Allah (s.w.t.), the Prophet (S), the Imams .(a.s.), religion or school of law (madhhab) and persist in this

(A: The ruling upon them is death. (FM, p. ۴۱۹

Gossip

?Q۱۹۶: Is it permissible to gossip about a deviant (mukhalif) Muslim

(A: It is preferable to refrain from gossiping about him. (MMS, p. ۲۱, Q۳۲

Stealing, Cheating and Deceiving

Q۱۹۷: Is it permissible for a Muslim to steal from the unbelievers in their country [Europe] or to deceive them in taking their properties by employing means that are ?(known to them (the unbelievers

A: It is not permissible to steal from their private and public properties, and likewise to damage or destroy them (properties), if this tarnishes the reputation of Islam and Muslims in general. Similarly, it is not permissible even if it is not as such, but considered a deception and breach of an implied trust given to them (the unbelievers) on entry or on reception of a residency permit for their (the unbelievers) country, since the prohibition of deception and breach of trust is with regard to anyone. (MMS, (p. ۲۴, Q۳۹

Q۱۹۸: Is it permissible for a Muslim to provide incorrect information to government agencies in Europe to obtain through legal

?channels privileges and financial or non-financial facilities

A: That is not permissible for it constitutes lying and for whatever has been (mentioned, there is no justification for that. (MMS, pp. ۲۴-۲۵, Q۴۲

Q۱۹۹: Is it permissible to cheat on school exams if some of the teachers help the ?students in doing so

(A: This is not permissible. (FM, p. ۴۳۴

Greeting Non-Muslims

Q۲۰۰: What is the ruling on saying "salam" or replying to it with respect to the People of the Book, or others amongst the unbelievers? Is it permissible to congratulate ?them on some of their special occasions like Christmas and the like

A: There is no objection to commencing with "salam" to them, but it is discouraged (makruh) except when necessary, even if it is customary. Their "salam" should be replied by saying "'alayk." There is no objection to congratulating them on special (occasions. (MMS, pp. ۳۱-۳۲, Q۶۳

Glossary

azl coitus interruptus'

.baligh one who has attained the age of puberty

.barzakh period between death and resurrection; purgatory; isthmus

.dhikr mention of certain formulae like "subhan Allah," "al-hamdu li-l-lah," etc

.diyah indemnity or compensation for injury or death

.eid religious festival

.fiqh Islamic positive law

ghusl major ritual ablution (washing) of the entire body to achieve a state of ritual

.purity

.hadath condition requiring wudu' or ghusl

hadd punishment prescribed in Textual sources (Qur'an and Sunnah) for certain .violations

hadd al-tarakhkhus point away from the boundary of a city whose inhabitants cannot be seen. Some jurists consider it to be a point from where the city's call to prayers (adhan) cannot be heard. However, Ayatullah

(Seestani objects to this latter definition. (MS, p. ٢٩٧, Q٩١٨

hajj pilgrimage to Mecca performed in the last month, Dhu-l-Hijjah, of the Islamic .lunar calendar

.al-hakim al-shar'i religious authority, mujtahid

.hayd bleeding of a menstrual cycle

.hijab statutory Islamic dress code of modesty

.hilal crescent

.husna kindness

ihram state of ritual consecration to perform major pilgrimage (hajj) or minor one .(('umrah

.istihadah irregular bleeding other than the menstrual cycle

.istihalah transformation, chemical change

.istinqadh rescue, salvage

.janabah state after having sexual intercourse or ejaculation

.jumu'ah Friday

.kaffarah expiation, compensation, penalty

.kafir unbeliever

.khums ٢٠٪ tax levied on certain items

.mahram one who falls within the prohibited degree for marriage

.majhul al-malik unknown owner, derelict property

.majlis (pl. majalis) assembly to commemorate religious events

.makruh discouraged, reprehensible

.marja' high-ranking religious authority whose guidance is sought by the laity

mukallaf one who is competent to undertake religious obligations; religiously .accountable

.mu'min believer

.nadhr solemn vow, pledge

.najasah ritual impurity

.najis ritually impure; not equivalent to unhygienic or unclean

.nifas bleeding of a woman after childbirth

.non-baligh one who has not attained the age of puberty

.non-mahram opposite of mahram

obligatory precaution the follower (muqallid) has the discretion to revert to the ruling .(fatwa) of the next high-ranking mujtahid on that particular issue only

.qada lapsed or due prayers, fasts, etc

.qasr shortened prayers of a traveller

.qiblah direction to Ka'bah for prayers, burying the deceased, etc

.Ramadan ninth month of the Islamic lunar calendar and the month of fasting

.riba interest, usury

al-risalah al-'amaliyyah

.practical treatise prepared by the jurist for the laity

.salat ritual prayer; formal worship

.sa'y pacing back and forth seven times by a pilgrim between Safa and Marwah

.shar'i lawful, legitimate

shari'ah universal Islamic values and norms; commonly

p: ۶۲

.referred to as the Islamic law

.Shawwal tenth month in the Islamic lunar calendar

.siyam fasts

.tahir ritually pure; not equivalent to hygienic or clean

.tamm complete prayers

.taqlid emulating the opinions of a religious authority

.taqsir cutting a piece of hair or nail by the pilgrim

.tathir ritual purification

.tawaf circumambulation around the Ka'bah

.tayammum substitution for wudu' and/or ghusl

ta'zir discretionary punishment estimated by al-hakim al-shar'i or a judge that is not .prescribed in the Qur'an or the Sunnah; chastisement

.ulama religious scholars

.urf convention, customary law'

.wudu' minor ritual ablution of certain parts of the body

About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ۹

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ۲۰۰۷, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

encouraging the populace particularly the youth in investigating the religious issues-

replacing useful contents with useless ones in the cellphones, tablets and computers-

providing services for seminary and university researchers-

spreading culture study in the publich-

paving the way for the publications and authors to digitize their works-

:Policies

acting according to the legal licenses-

relationship with similar centers-

avoiding parallel working-

merely presenting scientific contents-

mentioning the sources-

.It's obvious that all the responsibilities are due to the author

:Other activities of the institute

Publication of books, booklets and other editions-

Holding book reading competitions-

Producing virtual, three dimensional exhibitions, panoramas of religious and tourism- places

.Producing animations, computer games and etc-

Launching the website with this address: www.ghaemiyeh.com-

Fabricatingdramatic and speech works-

Launching the system of answering religious, ethical and doctrinal questions-

Designing systems of accounting, media and mobile, automatic and handy systems,- web kiosks

Holding virtual educational courses for the public-

Holding virtual teacher-training courses-

Producing thousands of research software in three languages (Persian, Arabic and- English) which can be performed in computers, tablets and cellphones and available and downloadable with eight international formats: JAVA, ANDROID, EPUB, CHM, PDF, HTML, CHM, GHB on the website

Also producing four markets named "Ghaemiyeh Book Market" with Android, IOS,- WINDOWS PHONE and WINDOWS editions

:Appreciation

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